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**From:** Donaldson, Guy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2A0969773664CC3B6EB1208748F1A5D-DONALDSON, GUY]  
**Sent:** 6/3/2020 7:14:47 PM  
**To:** Bartley, Richard [Bartley.Richard@epa.gov]  
**Subject:** RE: Texas Withdrawal Action - Heads Up on Quick Review

Thanks,

Can't wait to see the response.

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**From:** Bartley, Richard <Bartley.Richard@epa.gov>  
**Sent:** Wednesday, June 03, 2020 9:11 AM  
**To:** Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>  
**Cc:** Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Shar, Alan <shar.alan@epa.gov>  
**Subject:** Texas Withdrawal Action - Heads Up on Quick Review

Hi Lynde & Suzanne –

Just a heads up. Sierra Club has filed the attached response to our cross-motion to transfer venue to the 5<sup>th</sup> Circuit in the subject litigation involving our action to withdraw the 2015 SIP call to Texas related to its affirmative defense SIP provision for malfunctions.

Anyway, DOJ has the lead in preparing our reply and should be providing a draft of the same by the end of day Thursday. Due to a short review time, it is my understanding that ORC and OGC will need to review the draft and provide DOJ with Agency comments by Noon on Monday, June 8. As such, Karen Bianco will be sending everyone DOJ's draft reply as soon as she receives it via a OneDrive link, I believe, probably sometime Thursday night. So, if everyone could start reviewing Friday morning that would be great. In the meantime, you may read Sierra Club's response (attached) to which we will be replying. In order for Karen to consolidate all of OGC's and ORC's comments, she will likely request that **our comments be provided by Sunday**. I've asked her to let us know about when our comments are due when she sends us the draft reply on Thursday night.

Thanks,

Rick

Richard H. Bartley | Air Programs Coordinator | Office of Regional Counsel | U.S. EPA Region 6 | 214.665.8046

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